

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Samir F. Saba

Serial No.: 10/535,529

Art Unit: 3762

Filed: 05/09/2006

Examiner: Evanisko, G.

Entitled: **A Device And Method To Discriminate Between Supraventricular
Tachycardias And Ventricular Arrhythmias**

**SECOND DECLARATION OF DR. SAMIR SABA
UNDER 37 CFR § 1.132**

Mail Stop –Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Evanisko:

I, Samir Saba, M.D. under penalty of perjury, state that:

1. I am the sole inventor of the embodiments of the invention as claimed in the United States patent application captioned above.
2. I am a qualified expert in the field of cardiology and have a clinical practice related to implantable pacemakers and defibrillators.
3. I understand that, in the Non-Final Office Action mailed August 14, 2007 the Examiner requests clarification as to which part of the device is responsible for ‘determining the earliest arriving electrical signal’.
4. The patent application correctly states that it is the implantable cardiac defibrillator that ‘determines the earliest arriving electrical signal’. *See page pg 19 ln 12-15.* The defibrillator is configured with the capability such that the ‘determining’ remains proximate to therapeutic role played by the defibrillator.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

A handwritten signature in dark ink, appearing to read 'Saba', with a large, stylized flourish extending from the bottom right.

Dated: April 19, 2011

Samir Saba, M.D.